

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO SENATE BILL 130**

**Call to Order:** By **CHAIRMAN DAN MCGEE**, on April 15, 2003 at 4:00 P.M., in Room 350 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Dan McGee, Chairman (R)  
Rep. Jim Peterson, Vice-Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Mike Cooney (D)  
Rep. Bob Lawson (R)  
Rep. Gary Matthews (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Larry Mitchell, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 130, 4/14/2003  
Executive Action:

**SEN. MCGEE** referred to the House Amendments and stated that they basically stripped the ten percent administrative fee that was proposed to be used by the Department of Natural Resources (DNRC) for the administration of the program. **SEN. MCGEE** further discussed the fee, its purpose and the amount of revenue that would be generated.

**SEN. MCGEE** informed the Committee that their purpose was to either accept the House amendments or amend them out.

**SEN. COONEY** stated that he was uncomfortable with the House amendments and he preferred the bill in its original form and did not see a conflict with the Constitution.

**SEN. MCGEE** pointed out to the Committee that there were two amendments put on by the House. The first being a coordination amendment. **SEN. MCGEE** asked Larry Mitchell, Legislative Services, to explain the coordination amendment.

**Larry Mitchell** remarked that the coordination instruction at first had been necessary for coordination with SB 112. He went on to say that it was now not needed. The reason being that SB 112 had changed from fifty cents to twenty-five cents, but had not yet been adopted by the House.

**Mr. Mitchell** suggested a technical amendment which would strike the word "50-CENTS" and insert "the amount of that surcharge."

**Motion/Vote:** **SEN. BARKUS** moved that the **TECHNICAL AMENDMENT TO SB 130 BE ADOPTED**. Motion carried 6-0 by voice vote.

**Motion:** **SEN. BARKUS** moved **TO STRIP AMENDMENT 130-2 TO SB 130**.

**Discussion:**

**REP. PETERSON** spoke in support of the proposed amendment. He stated that he had spoken against the House amendment when it was presented on the House floor. He went on to say that the reason the amendment had been brought forth was based on the Constitution and the constitutionality of putting one hundred percent of the proceeds into the Trust Fund. He concluded by saying that he felt some of the money needed to go back to the land.

**REP. MATTHEWS** stated that he could see the need for the ten percent and would support the amendment.

**SEN. COONEY** expressed his support of the amendment.

**SEN. BARKUS** stated he was in favor of stripping the House amendment. He went on to say that the Constitution was silent on the issue of income.

**REP. LAWSON** commented on his support of putting the bill back to its original form with the addition of the technical amendment.

**SEN. MCGEE** asked Joe Mazurek to give his perspective on monies generated by Trust Lands and the use of any of those monies for administrative purposes by the Department of Natural Resources to pay for the administration of Trust Lands. **Mr. Mazurek** stated that they had considered legislation of the proposed nature, but had never gotten it done. He continued that basic law was that typically a trustee took an administrative fee for management.

**Motion/Vote:** **REP. LAWSON** moved that **THE CONCEPTUAL AMENDMENT TO SB 130 BE ADOPTED**. Motion carried 6-0 by voice vote.

**Motion/Vote:** **SEN. COONEY** moved that **THE CONFERENCE COMMITTEE REPORT BE ADOPTED**. Motion carried 6-0 by voice vote.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 12.5}*

**ADJOURNMENT**

Adjournment: 4:15 P.M.

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SEN. DAN MCGEE, Chairman

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MARI PREWETT, Secretary

JP/DM/MP

**EXHIBIT** (cch81sb0130aad)